

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ESHA RESEARCH, LLC, now known as
TRUSTWELL,

Plaintiff,

v.

RLH ASSETS, LLC d/b/a FOODWIT; and
DOES 1-20,

Defendant.

Civil Action No. 25-206-RGA

**PLAINTIFF TRUSTWELL'S NOTICE OF NON-OPPOSITION TO
DEFENDANT FOODWIT'S MOTION TO TRANSFER UNDER 28 U.S.C. § 1404**

Plaintiff ESHA Research, LLC, now known as Trustwell (“Trustwell”), does not oppose Defendant RLH Assets, LLC d/b/a Foodwit’s (“Foodwit”) requested transfer of this action to the United States District Court for the District of Oregon pursuant to 28 U.S.C. § 1404.

Foodwit did not meet and confer with Trustwell regarding the substance of Foodwit’s motion to dismiss or transfer, as required by Local Rule 7.1.1. As Trustwell recently explained to Foodwit, had Foodwit met and conferred with Trustwell as required, the parties likely could have avoided this motion altogether—because Trustwell is not opposed to transferring this action to, and litigating this dispute in, the District of Oregon.

The End User License Agreement (“EULA”) that Foodwit argues applies here, through the declaration of Becki Holmes (ECF No. 7), contains substantive terms and conditions that are virtually identical to those in the version of the EULA that Trustwell believes applies. In other words, Foodwit contests only venue here, not the substantive terms and conditions that apply. And because Foodwit has consented to venue in the District of Oregon, through the instant motion,

Trustwell is not opposed to transferring the action there. In fact, that may make the litigation more efficient for both sides.

Toward that end, Trustwell proposed that the parties stipulate to Foodwit's requested transfer to the District of Oregon, and sent Foodwit a proposed stipulation for that purpose. However, Foodwit refused to stipulate, stating, "if [Trustwell] agrees that transfer is proper, it can and should express that agreement in response to the pending motion."

Trustwell therefore submits this notice of non-opposition to Foodwit's requested transfer of this action to the District of Oregon pursuant to 28 U.S.C. § 1404.

Dated: May 6, 2025

/s/ Kenneth L. Dorsney
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